AP Photo

ON THE STAND — Pamela Smart testifies in March 1991 during her trial as an accomplice in the murder of her husband

Nation's Highest Court Rejects Smart's Appeal

By FRANK BAKER
Associated Press Writer

CONCORD — Pamela Smart, the former high school instructor who is serving a life sentence for coaxing her teen-age lover and his friends to kill her husband, Gregory, lost her U.S. Supreme Court appeal yesterday.

Smart, 26, whose case prompted several books and a television movie, claimed that she was denied a fair trial because Superior Court Judge Douglas Gray failed to move her 1991 trial to a distant court or to immediately sequester the jury so that it could not be swayed by the news coverage.

Smart was convicted of being an accomplice to first-degree murder in the shooting death of her husband, Gregory, at their Derry condominium in May 1990.

The high court rejected Smart's appeal without comment, and without hearing arguments.

The state Supreme Court had rejected her appeal earlier. It said media coverage of the case was enormous but mostly factual.

"The New Hampshire Supreme Court issued an extensive, detailed decision on all the federal constitutional claims, and I am not surprised that the U.S. Supreme Court saw no reason to review that decision," said Cynthia White, an assistant New Hampshire attorney general.

Defense lawyer J. Albert Johnson said yesterday that he was disappointed by the high court's action, but he added that further appeals are possible. In a brief written statement, he said he might file a habeas corpus petition, which would claim that Smart is being held unjustly.

Smart, an honors student in high school and college, once dreamed of becoming the next

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Victim's Parents Hope Agony Will End Now

From Staff and Wire Reports

The apparent legal end to Pamela Smart's murder case yesterday came as a relief to her victim's parents, who say they hope to move on with their lives.

"We're hoping that this puts an end to the strain and the stress

said in an interview at his Nashua home.

Pamela Smart, 26, was convicted two years ago of being an accomplice to the murder of her husband, Gregory. Yesterday, the U.S. Supreme Court rejected

peal.

William Smart, the victim's father, said he and his wife, Judith, hope to one day help other parents who have gone through similar ordeals.

"It's awful to lose a child," said

called him in the morning at the insurance company where he once worked with his son. "I'm having a very difficult time, especially this time of year, with the holidays coming."

Smart said he plans to visit his

ART APPEAL

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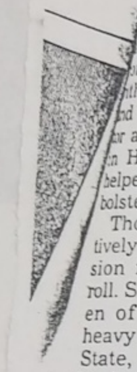

bara Walters. She graduated m Florida State University th a communications degree d took a job as media coordinar at Winnacunnet High School n Hampton, where she also elped teach a course designed to olster students' self-esteem.

Though she dressed conservatively for work, Smart had a passion for heavy metal rock and roll. She called herself the "Maiden of Metal" as the host of a heavy metal radio show at Florida State, and her high school yearbook said her ambition was "to dance the night away" with heavy metal star David Lee Roth.

Gregory Smart, 24, once a long-haired heavy metal fan, had become a clean-cut, successful insurance salesman in the year he was married. The transition bothered his wife, witnesses said at her trial, and drove her to William Flynn, a 15-year-old student she met in the self-esteem course. They became lovers in early 1990.

Gregory Smart was shot through the head on May 1, 1990, just inside the door to his home. Flynn and a friend, Patrick Randall, had broken in and tried to make it appear that Smart had interrupted a burglary.

Flynn pulled the trigger while Randall held Smart.

Pamela Smart quickly went on television to appeal for help in finding her husband's killers. She claimed police had told her that Gregory surprised burglars, though police later said they never suggested a motive to her.

Six weeks later, Flynn, Randall and Vance Lattime, all of Seabrook, were arrested. Lattime had driven the getaway car and provided the gun Flynn used.

Police suspected Smart's involvement soon after the crime. In June 1990, they persuaded her student intern, Cecelia Pierce, to surreptitiously record their conversations. Jurors later said the incriminating recordings were the most convincing evidence.

Smart was arrested three months after the murder. Six months after that, the three youths agreed to plea bargains and agreed to testify against her. They received prison terms ranging from 18 years to life.

A fourth Seabrook teen, Raymond Fowler, is serving 15 to 30 years for helping to plan the murder and participating in an earlier, failed attempt.

Reporters dubbed Smart the "Ice Princess" for her emotionless testimony and dour demeanor at her trial.

Prosecutors said she had her husband killed because she feared losing everything in a divorce, including her beloved dog. They said she threatened to break off her relationship with Flynn if he and his friends didn't go along with her plan.

Smart told the killers that she was afraid her dog would be traumatized if it witnessed the murder, Pierce testified.

Defense attorneys called the teens "thrill killers" and said they framed the defendant in an attempt to save themselves.

Smart was convicted in March 1991. She received the mandatory sentence of life in prison without parole for being an accomplice to first-degree murder.

Smart has continued to make news in prison. Early last year, she was segregated in the state women's prison as punishment for sexual contact with another inmate and being in an unauthorized area. Officials refused to specify the nature of the contact.

Early this year, she was transferred abruptly to a prison in Bedford Hills, N.Y. New Hampshire authorities cited unspecified safety concerns.

VICTIM'S PARENTS

(Continued From Page One)

family does every week, and share the news with him.

At times, he said, he takes his son's 4-year-old niece, Ashley, with him to tell her about her young uncle.

"The last day of his life, he had her on his shoulders," Smart said, momentarily losing his composure as he thought about it. "I try to make her remember."

Smart said Ashley, his granddaughter, has helped him and his wife survive their son's murder. "If you look at life through the eyes of a child, it's absolutely beautiful," he said.

Gregory Smart died in the couple's Derry condominium, and his parents moved from their own condominium nearby to escape memories of the murder, Smart said. The parents had been close enough to see the young couple's roof from a window.

"I'll never be able to get what happened to Gregg out of my mind," said Judith Smart yesterday. "We've been worried about (the appeal). Really worried. I think about her every day. I'm just so relieved it's all over."

Pamela Smart's parents, Linda and John Wojas, also apparently have moved. A woman who answered the door at their Windham address said the house has been rented, and calls to them yesterday were answered by a recording saying the line was being checked for trouble.

The Wojas family has consistently maintained Pam's innocence and fought for her release.

"No matter what happens, it's never going to be okay," Linda Wojas said last year. "We grieve every day. This whole thing consumes us every day — every waking moment."

Cecelia Eaton, the mother of Cecelia Pierce, the former Winnacunnet High School student who wore a police wire to record incriminating evidence against Pamela Smart, was relieved to hear of the court's decision.

"Each time there was an appeal, we waited and waited for the decision, hoping it would be denied," she said. "In terms of the Supreme Court decision, I'm not surprised. The evidence was plain. It's there. I don't care what some people say. She is guilty."

"I even feel horrible for the boys. They didn't deserve to get caught up in her web. If she hadn't been at the school, these boys would still be with their families where they belong," said Eaton.

After the conviction, Pierce and her mother, father and sister left Seabrook for a secret location. The family has since returned, though Eaton said the cost has been immense.

She said the family went through an estimated $30,000 in savings. "It took us six to eight months to find jobs," she said. "We totally lost everything."

She said her daughter will not talk with the news media. "She wants to put it behind her. She has a lot of mixed feelings," she said.

The mother of Vance Lattime, currently serving 30 years to life, with 12 years deferred, for his role in the killing of Gregory Smart, also expressed relief yesterday, though she believes "a second trial wouldn't have come out differently."

"I don't feel badly for her, but I do for her family. It has to be hard on them, losing all hope," she said.

Smart Chronology

By The Associated Press

Here is a brief chronology of the Pamela Smart case:

- February 1990: Winnacunnet High School media coordinator Pamela Smart, 22, who is married, seduces a student, William Flynn, then 15, in her Derry condominium.
- May 1, 1990: Winnacunnet students Vance Lattime and Patrick Randall drive to the Smart home with Flynn and another friend, Raymond Fowler. While Lattime and Fowler sit in the car, Randall subdues Gregory Smart, 24, while Flynn shoots his lover's husband in the head.
- June 1990: Ralph Welch, a Seabrook teen-ager who lives with the Lattime family, overhears Flynn and Lattime discussing the murder. He tells Lattime's parents, who approach police.
- June 11, 1990: Police arrest Flynn, Randall and Lattime in connection with the murder of Gregory Smart.
- June 12-13, 1990: Pam Smart's student intern, Cecelia Pierce, secretly records conversations with Smart. The tapes later become key evidence at Smart's murder trial.
- Aug. 1, 1990: Pamela Smart is arrested and charged with engineering her husband's murder.
- Jan. 28, 1991: Flynn, Randall and Lattime plead guilty to lesser charges of second-degree murder and being accomplices to second-degree murder. In exchange for promises of reduced sentences, they agree to testify against Smart.
- February 1991: Raymond Fowler is charged with helping to plan the killing, cleaning the murder weapon, and with making an earlier attempt on Gregory Smart's life.
- March 1991: Pamela Smart goes to trial.
- March 22, 1991: Pamela Smart is convicted of conspiracy to commit murder, being an accomplice to first-degree murder and witness tampering. She is sentenced to mandatory life without parole at the state women's prison in Goffstown.
- May 1991: Pierce and her family move to an undisclosed out-of-state location, aided in their anonymity by the state.
- August 1991: Judge Douglas Gray, who presided over Smart's original trial, denies appeals for a new trial by her new lawyer, J. Albert Johnson. William and Judith Smart, the victim's parents, file suit against Pamela Smart, saying they want to punish her financially for their son's death.
- September 1991: Smart refuses to answer her in-laws' civil suit, and a default order is issued allowing the Smarts a $1 million attachment on her defense funds. They later ask for an additional $5 million, which they also win by default, and sue William Flynn for his involvement in the murder.
- December 1991: The state Supreme Court agrees to hear Smart's appeal. William and Judith Smart file for bankruptcy.
- April 1992: Pamela Smart is segregated in prison as punishment for sexual contact with another inmate and being in an unauthorized area. Officials do not specify the nature of the contact. Raymond Fowler pleads guilty to conspiracy to commit murder and attempted burglary for his role in the murder.
- May 1992: Fowler is sentenced to 15 to 30 years in prison.
- August 1992: Flynn and Randall are sentenced to 28 years to life in prison. Lattime is sentenced to 18 years to life.
- September 1992: The state Supreme Court hears arguments in Pam Smart's appeal.
- February 1993: The state Supreme Court rejects Pam Smart's appeal.
- March 1993: Pam Smart is transferred to the Bedford Hills Correctional Facility for women in Bedford Hills, N.Y.